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10/675,637	09/29/2003	James G. Norman JR.	66475/42724	6079

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EXAMINER
RANGREJ, SHEETAL

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2007* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a)☐ All b)☐ Some * c)☐ None of:

 1.☐ Certified copies of the priority documents have been received.

 2.☐ Certified copies of the priority documents have been received in Application No. _____.

 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Prosecution History Summary

1.   Claims 1-20 are pending.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference characters "30" and "36" have both been used to designate "keyboard"; reference

characters "28" and "34" have both been used to designate "display"; reference characters "26"

and "40" have both been used to designate "a system unit"; and reference characters "24" and

"42" have both been used to designate "a modem". Corrected drawing sheets in compliance with

37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing

on the immediate prior version of the sheet, even if only one figure is being amended. Each

drawing sheet submitted after the filing date of an application must be labeled in the top margin

as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-4, 6-11, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rappaport (U.S. Publication No. 2002/0007285).

5.   As per claim 1, Rappaport teaches a method comprising:

a.   Providing a host computer system **(Rappaport: para. 0056, 5-6)**, the host

computer system being adapted to retrieve descriptive information about a plurality of

ailments **(Rappaport: para. 0021, 49-52)**, the descriptive information comprising one or

more of the following: physiological aspects of the ailment, pathological aspects of the

ailment, information as to whether the ailment is treatable, information about expected

clinical course, and information about potential complications, the host computer system

further being adapted to send to a client computer system communicating with the host

computer system via the Internet **(Rappaport: para. 0022, 9-11)** the descriptive

information of any one of the plurality of ailments upon receiving from the client

computer system a search query concerning said any one of the plurality of ailments

(Rappaport: para. 0021, 17-26);

b.   Associating the descriptive information of each of the plurality of ailments with a

plurality of ICD or CPT codes **(Rappaport: para. 0021, 44-49; para. 0021, 55-56; para.**

0023, 3-5);

c.   Associating a plurality of content components with the plurality of ICD or CPT

codes in a manner so that each of the content components is associated with at least one

of the ICD or CPT codes **(Rappaport: para. 0023, 11-20)**;

d.   Sending the descriptive information of said any one of the plurality of ailments to

the client computer system via the Internet **(Rappaport: para. 0022, 9-11)**, the sending

of the descriptive information being initiated by the host computer system receiving from

the client computer system the search query **(Rappaport: para. 0022, 3-4)** concerning

said any one of the plurality of ailments **(Rappaport: para. 0021, 49-52)**;

e.   Sending to the client computer system via the Internet each of the

content components that are associated with the ICD or CPT codes with which the sent

descriptive information is associated **(Rappaport: para. 0022, 14-15)**.

6.   As per claim 2, the method of claim 1 is as described. Rappaport further teaches wherein

the plurality of content components comprises names of at least a plurality of health care

providers **(Rappaport: para. 0115)**.

7.   As per claim 3, the method of claim 2 is as described. Rappaport further teaches wherein

the step of associating the plurality of content components with the plurality of ICD or CPT

codes comprises associating the names of the health care providers with the plurality of ICD or

CPT codes in a manner so that each of the names of the health care providers is associated with

at least one of the ICD or CPT codes **(Rappaport: para. 0134)**.

8.   As per claim 4, the method of claim 3 is as described. Rappaport further teaches wherein

the ICD or CPT codes with which the name of each health care provider are associated are ICD

or CPT codes chosen by each such health care provider **(Rappaport: para. 0138)**. The

examiner interprets that if the codes were created then it would have been chosen by a health

care provider.

12.   As per claim 6, the method of claim 1 is as described. Rappaport further teaches wherein

the search query concerning said any one of the plurality of ailments comprises an ICD or CPT

code **(Rappaport: para. 0023, 8-12)**.

13.   As per claim 7, the method of claim 1 is as described. Rappaport further teaches herein

the host computer system communicates with the client computer system in a manner for

providing on the client computer system an interface for the host computer system, the interface

prompting a user to input a search query **(Rappaport: claims 46 and 48)**.

14.   As per claim 8, the method of claim 7 is as described. Rappaport further teaches wherein

the interface comprises a community, and wherein selection of the community by the user causes

the search query to be sent to the host computer system **(Rappaport: fig. 10 [1009])**. The

examiner interprets that the requested procedure/test (i.e. query) was sent to the host computer

system by a selection of the community.

15.   As per claim 9, the method of claim 7 is as described. Rappaport further teaches wherein

the interface comprises an icon on a community, and wherein selection of the icon by the user

causes the search query to be sent to the host computer system **(Rappaport: fig. 10 [1013])**. The

examiner interprets that an icon was clicked to send the request.

16.   As per claim 10, the method of claim 9 is as described. Please see remarks for claim 8

and 9. The examiner interprets that this is all done on a webpage (Rappaport: para. 0022, 9-11).

17.   As per claim 11, the method of claim 9 is as described. Rapport further teaches a. The

        step of associating the descriptive information of each of the plurality of ailments with

        the plurality of ICD or CPT codes comprises associating the descriptive information of

        each of the plurality of ailments with a plurality of ICD and CPT codes **(Rappaport:**

        para. 0021, 44-49; para. 0021, 55-56; para. 0023, 3-5);

b.   The step of associating the plurality of content components with the plurality of

ICD or CPT codes comprises associating the plurality of content components with the

plurality of ICD and CPT codes **(Rappaport: para. 0023, 11-20)**.

18.   As per claim 19, Rappaport teaches an internet navigational system comprising:

a.   At least one computer database having stored therein descriptive information

about a plurality of ailments, the descriptive information comprising one or more of the

following: physiological aspects of the ailment, pathological aspects of the ailment,

information as to whether the ailment is treatable, information about expected clinical

course, and information about potential complications, the descriptive information of

each of the plurality of ailments being associated with a plurality of ICD or CPT codes,

the at least one computer database also having stored therein a plurality of content

components, each of the content components being associated with at least one of the

ICD or CPT codes **(Rappaport: para. 0061, 1-7; para. 0064, 4-9)**;

b.   A host computer system adapted and configured to retrieve from the at least one

computer database the descriptive information, the host computer system further being

adapted and configured to send to a client computer system communicating with the host

computer system via the Internet the descriptive information of any one of the plurality of

ailments upon receiving from the client computer system a search query concerning said

any one of the plurality of ailments, the host computer system further being adapted and

configured to send to the client computer system via the Internet at least one of the

content components based upon the association of the ICD or CPT codes such that the

sent content components are associated with the ICD or CPT codes with which the sent

descriptive information is associated **(Rappaport: para. 0056)**.

19.   As per claim 20, Rappaport teaches an internet navigational system. Please see remarks

for claim 19.

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

21.   Claim 5 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rappaport (U.S. Publication No. 2002/0007285) in view of Tallman et al. (U.S. Patent No.

5,964,700).

22.   As per claim 5, the method of claim 2 is as described. Rappaport does not teach wherein

the step of associating a plurality of content components with the plurality of ICD or CPT codes

comprises associating each of at least some of the names with at least one of the ICD or CPT

codes in a manner so that each of the plurality of ICD or CPT codes employed has at least one of

the names associated therewith.

Tallman teaches wherein the step of associating a plurality of content components with

the plurality of ICD or CPT codes comprises associating each of at least some of the names with

at least one of the ICD or CPT codes in a manner so that each of the plurality of ICD or CPT

codes employed has at least one of the names associated therewith **(Tallman: col. 40, 35-46)**.

The examiner interprets that the provider-matched button implies each plurality of ICD or CPT

codes employed has at least one of the names.

One of ordinary skill in the art at the time the invention was made would have found it

obvious to combine the teachings of Rappaport and Tallman with the motivation to process,

identify, or classify the medical procedure/test performed by a service provider **(Rappaport:**

para. 0006, 6-7).

23.   As per claim 12, Rappaport teaches a method comprising:

a.   Providing a host computer system **(Rappaport: para. 0056, 5-6)**, the host

computer system being adapted to retrieve descriptive information about a plurality of

ailments **(Rappaport: para. 0021, 49-52)**, the descriptive information comprising one or

more of the following: physiological aspects of the ailment, pathological aspects of the

ailment, information as to whether the ailment is treatable, information about expected

clinical course, and information about potential complications, the host computer system

further being adapted to send to a client computer system communicating with the host

computer system via the Internet **(Rappaport: para. 0022, 9-11)** the descriptive

information of any one of the plurality of ailments upon receiving from the client

computer system a search query concerning said any one of the plurality of ailments

(Rappaport: para. 0021, 17-26);

b.   Associating the descriptive information of each of the plurality of ailments with a

plurality of ICD or CPT codes **(Rappaport: para. 0021, 44-49; para. 0021, 55-56; para.**

0023, 3-5);

    d.   Sending the descriptive information of said any one of the plurality of ailments to the client computer system via the Internet **(Rappaport: para. 0022, 9-11)**, the sending of the descriptive information being initiated by the host computer system receiving from the client computer system the search query **(Rappaport: para. 0022, 3-4)** concerning said any one of the plurality of ailments **(Rappaport: para. 0021, 49-52)**;

    e.   Sending to the client computer system each of the names of the plurality of health care providers that are associated with the ICD or CPT codes with which the sent descriptive information is associated **(Rappaport: para. 0022, 14-15)**.

Rappaport does not teach (c) associating names of at least a plurality of health care providers with the plurality of ICD or CPT codes in a manner so that each of the names of the plurality of health care providers is associated with at least one of the ICD or CPT codes.

Tallman teaches (c) associating names of at least a plurality of health care providers with the plurality of ICD or CPT codes in a manner so that each of the names of the plurality of health care providers is associated with at least one of the ICD or CPT codes **(Tallman: col. 40, 35-46)**. The examiner interprets that the provider-matched button implies each plurality of ICD or CPT codes employed has at least one of the names.

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Rappaport and Tallman with the motivation to process, identify, or classify the medical procedure/test performed by a service provider **(Rappaport: para. 0006, 6-7)**.

24.   As per claim 13, the method of claim 12 is as described. Please see remarks for claim 4.

25.   As per claim 14, the method of claim 12 is as described. Please see remarks for claim 6.

26.   As per claim 15, the method of claim 12 is as described. Please see remarks for claim 7.

27.   As per claim 16, the method of claim 15 is as described. Please see remarks for claim 8.

28.   As per claim 17, the method of claim 15 is as described. Please see remarks for claim 9.

29.   As per claim 18, the method of claim 17 is as described. Please see remarks for claim 10.

Response to Arguments

1.   The applicant submits that U.S. Pat. Pub. No. 2002/0007285 (Rappaport) is not prior art

under 102(e) claiming that Rappaport was filed on January 3, 2001, while the Applicant'

application is a divisional of U.S. application no. 09/655,563 filed on September 6, 2000. The

applicant asserts that the filing of the divisional application establishes a constructive reduction

to practice date of the present invention at least as early as September 6, 2000.

The examiner discloses that the Rappaport application is a non-provisional of provisional

application no. 60/174,369 filed on January 1, 2000. The Rappaport application is further a non-

provisional of a provisional application no. 60/140,102 filed on June 18, 1999. Therefore

examiner establishes that Rappaport is a proper prior art under 102(e) since it claims priority

before September 6, 2000.

2.   In response to applicant's argument, that keyboards identified in drawings by reference

numerals "30" and "36" are improper since "30" is used to designate the server's keyboard and

"36" is used to designate the user terminal's keyboard, the examiner stands the rejection since

the specification does not distinctly state the difference in the keyboards. The same logic applies

to the use of reference numbers "28", "34", "36", "40", "24", and "42" and therefore the use of

all such reference numerals is improper as stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368.

The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR

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